APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,844	08/16/2001	Joerg Heilig	P5210 US	4555

24209   7590   10/15/2007
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EXAMINER
DUONG, THOMAS

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
10/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 July 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-52</u> is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) <u>1-52</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 August 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All　b)☐ Some * c)☒ None of:

　　1.☒ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the Applicants' After Non-Final Amendment filed on

July 20, 2007. *Claims 1-52* are presented for further consideration and examination.

2.   In view of the reply brief filed on July 20, 2007, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection are set forth below.

Response to Argument

3.   Applicants' argument, see pg.2-5, filed on July 20, 2007, with respect to *claims 1-52*

have been fully considered and are persuasive. The previous rejection is withdrawn.

New grounds of rejection are set forth below.

Election/Restrictions

4.   Applicant is advised that the response to this requirement to be complete must include

an election of the invention to be examined even though the requirement be traversed

(37 CFR 1.143).

5.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

      Group 1: Claims 1-22 and 39 are drawn to *"distributed data processing:*

      processing agent", classified in class 709, subclass 202.

Group 2: _Claims 23-38 and 40-52_ are drawn to _"computer network managing:_

computer network access regulating", classified in class 709, subclass

225.

6.   The inventions are distinct, each from the other because of the following reasons:

*   Inventions of _Group 1_ are related as combination and subcombinations of _Group_

    _2._ Inventions in this relationship are distinct if it can be shown that (1) the

    combination as claimed does not require the particulars of the subcombinations

    as claimed for patentability, and (2) that the subcombinations has utility by itself

    or in other combinations (MPEP § 806.05(c)). In the instant case, the

    combination (_Group 1_) as claimed does not require the particulars of the

    subcombinations (_Group 2_) as claimed because to both subcombinations and

    combination are presented and assumed to be patentable. The omission of

    specific details of the subcombinations as recited in _claims 23-38 and 40-52_, in

    the combination as recited in _claims 1-22 and 39_ is evidence that the patentability

    of the combination does not rely on the details of the specific subcombinations.

    The subcombinations of _Group 2_ have separate utility such as _"computer network_

    managing: computer network access regulating".

*   Inventions of _Group 2_ are related as subcombinations disclosed as usable

    together in a single combination. The subcombinations are distinct from each

    other if they are shown to be separately usable. In the instant case, inventions of

    Group 2 have separate utility such as _"computer network managing: computer_

    network access regulating". See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search

required a separate status in the art as shown by their different classification, the

search required for *Group 1* is not required for the other *Group 2*, restriction for

examination purposes as indicated is proper.

7.   Applicant is advised that the reply to this requirement to be complete must include and

election of the invention to be examined even through the requirement be traversed (37

CFR 1.143). Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a

request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET

TO EXPIRE THIRTY DAYS FROM THE MAILING DATE OF THIS COMMUNICATION.

FAILURE TO RESPOND WITHIN THE PERIOD FRO RESPONSE WILL CAUSE THE

APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME

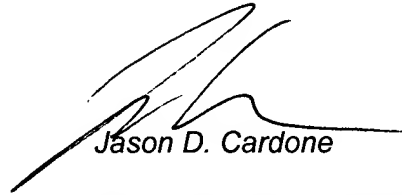MAY BE OBTAINED UNDER PROVISIONS OF 37 CRF 1.136 (A).

8.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thomas Duong whose telephone number is 571/272-3911. The

examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone

can be reached on 571/272-3933. The fax phone numbers for the organization where

this application or proceeding is assigned are 571/273-8300 for regular communications

and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)   *Jason D. Cardone*

October 10, 2007   *Supervisory PE (AU2145)*